

Lykes, McGuire, McMeekin, Orman, Patterson, Richard, Walker, Walls and Weeks—14.

Nays—Messrs. Osgood and Wallace—2.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 32:

To be entitled an act to exempt dealers in certain medicines from a special tax,

Was read the third time.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Durkee, Hendry, Hill, Lykes, McGuire, McMeekin, Orman, Patterson, Walker, Walls and Weeks—14.

Nays—Messrs. Osgood, Richard and Wallace—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

The President appointed the following as the Committee of Conference on Senate bill No. 2:

To be entitled an act making appropriations to supply deficiencies in the Appropriations for 1875, and for defraying the Expenses of the State Government for 1876,

Messrs. Lykes and Orman.

The President also appointed the following as the Committee of Conference on Senate bill No. 17:

To be entitled an act to keep in good repair the public Roads and Highways in this State,

Messrs. Barnes and McKinnon.

Mr. Walker offered the following resolution:

WHEREAS, The Senate has learned with profound regret that the continued impaired health of the Hon. A. L. McCaskill, Senator from the Second Senatorial District, renders it necessary for him to return to his home, therefore,

Be it resolved, That by his absence the Senate loses a valuable member, his district a faithful representative, and the State an honorable legislator.

Resolved further, That it is the unfeigned hope of this Senate that he will soon be restored to perfect health and able to return to the Councils of the State, and that these proceedings be spread upon the journal of the Senate.

Upon which the yeas and nays were called for by Mr. Walls.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Durkee, Hendry, Hill, Johnson, Lykes, McGuire, McMeekin, Orman, Osgood, Patterson, Richard, Walker, Wallace, Walls and Weeks—18.

Nays—None.

So the resolution was adopted.

On motion, the Senate adjourned.

REMOVALS.

Wm. B. Jones, from the office of County Judge of Washington county.

Lawrence Baker, from office of County Judge of Calhoun county.

John M. Bush, from office of Collector of Calhoun county.

CONFIRMATIONS.

W. G. Mitchell, to be Sheriff of Calhoun county.

Wm. Clark, to be Clerk of Calhoun county.

Lawrence Baker, to be County Judge of Calhoun county.

John M. Bush, to be Assessor of Calhoun county.

John M. Bush, to be Collector of Calhoun county.

Wm. B. Jones, to be County Judge of Washington county.

J. E. Skipper, to be Clerk of Washington county.

J. C. Boyken, to be Sheriff of Washington county.

Thomas Hannah, to be Assessor of Washington county.

D. H. Horn, to be Collector of Washington county.

TUESDAY, February 13, 1877.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Barnes, Brantley, Cottrell, Hendry, Hill, Howell, Johnson, Long, Lykes, McGuire, Meacham, Orman, Osgood, Patterson, Richard, Walker, Walls and Weeks—18.

A quorum present.

Prayer by the Chaplain.

Mr. Meacham moved that the reading of the journal be dispensed with;

Which was agreed to, and the journal corrected and approved.

The Committee on the Judiciary made the following report:

SENATE CHAMBER,
TALLAHASSEE, February 13, 1877.

HON. NOBLE A. HULL,

President of the Senate:

SIR—Your Committee on the Judiciary, to whom was referred the resolution requiring them to inquire and report to the Senate whether or not the law creating a Harbor-Master

for the port or harbor of Pensacola is in accordance with the Constitution of the United States, after due consideration have come to the conclusion that said office is one in the competence of the powers of the Legislature, and that the particular law referred to is, in all respects but one, constitutional. The second paragraph, Section 10, Article I, Constitution United States, among other things provides that "no State shall, without the consent of Congress, pay any duty of tonnage," &c., and as the law alluded to does provide for the fees of office by laying a tonnage duty on vessels, and as your committee have not been able to find the consent of Congress thereto, they report that this provision of the statute is in conflict with the Constitution, and an act to that extent is thereby rendered inoperative and void.

J. L. F. COTTRELL, Ch'n.

Which was received and read.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, FLA., February 13, 1877. }
HON. NOBLE A. HULL,
President of the Senate:

SIR—The Judiciary Committee, to whom was referred "a bill to be entitled an act to amend an act entitled an act providing for setting apart a Homestead and Personal Property to be exempt from forced sale under process of Law," have, after due consideration, instructed me to report the same back to the Senate with the amendment accompanying the same, and ask that the same be adopted, and recommend that the Senate pass the same as so amended.

J. L. F. COTTRELL, Ch'n.

Which was read, and the accompanying bill placed among the orders of the day.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, FLA., February 13, 1877. }
HON. NOBLE A. HULL,
President of the Senate:

SIR—Your Committee on the Judiciary, to whom was referred sundry bills herein named, beg leave to report that they have had the same under consideration:

Assembly bill No. 107:

Entitled an act to provide for the speedy determination of certain issues of Law in the several Circuit Courts of the State.

Senate bill No. 40:

Entitled an act to provide for a uniform system of Establishing and Licensing Ferries in this State.

Assembly bill No. 153:

Entitled an act for the relief of Henry Walker of Lafayette county, Florida.

Assembly bill No. 91:

Entitled an act in relation to relinquishment of Dower, and recommend that said bills be passed.

Also, that they have had under consideration

Assembly Joint Resolution No. 26:

Relative to the four million State Bonds issued in favor of the J., P. and M. R. R. Co., and recommend its adoption.

Also, that they have had under consideration

Assembly Concurrent Resolution:

Embodying a Memorial to Congress relative to the Counting of the Electoral Vote, and a majority of your committee recommend its adoption.

Also, that they have had under consideration

Assembly bill No. 126:

Entitled an act to further define the duties of Comptroller as to reports of defaulters in the payment of amounts due the State, and report that they are of opinion that existing provisions of law are sufficient to enable the Governor and the Legislature to require, and publish at any time, the information as to defaulting officers provided for by this bill, and believing that neither the Governor nor Comptroller will neglect their duties in this regard, the committee recommend that the bill do not pass.

Respectfully submitted,

J. L. F. COTTRELL, Ch'n.

Which was read, and the accompanying bills and resolutions placed among the orders of the day.

Mr. Walls sent to the Secretary's desk an appeal to the Senate in the interest of the educational system, and asked that it be read and spread upon the journal;

Which was agreed to, and the address referred to the Committee on Education, and directed not to be spread upon the journal.

Under a suspension of the rule, Mr. McGuire introduced

Senate bill No. 45:

To be entitled an act to repeal an act entitled an act to establish the office of Harbor Master for the port of Pensacola, approved December 8, 1866;

Which was read, and the bill referred to the Judiciary Committee.

Assembly bill No. 27:

To be entitled an act relating to Official and Legal Advertisements,

Was read.

Mr. Barnes offered the following amendment:

Mr. Barnes moved to amend by adding the word "provided" after county, and add to the section the following: "And provided, further, that nothing in this act shall operate so as to repeal any of the provisions of an act to be entitled an act to save small estates from wasteful costs, and to facilitate the settlement thereof," approved February 17, 1872;

Which was adopted.

Mr. Orman offered the following amendment: Strike out, in Section 2, the word "may" and insert "shall," and in the third line, also strike out "any" and insert "some;"

Which was agreed to.

Mr. Cottrell moved to amend by striking out all the bill after he first section.

Mr. Orman moved to postpone the further consideration of the bill until next Friday morning, 11 o'clock;

Mr. Meacham moved to lay the motion to postpone on the table;

Which was agreed to.

Mr. Richard moved that it be postponed until Monday next;

Which was agreed to.

The Committee on Enrollment made the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., February 13, 1877. }

HON. NOBLE A. HULL,

President of the Senate:

SIR—The Joint Committee on Enrollment has presented to the Governor for his consideration the following bills:

Senate bill No. 6:

An act for the relief of John B. Ross.

Assembly bill No. 79:

An act to incorporate the St. Augustine Yacht Club.

Assembly bill No. 96:

An act to change the line between the counties of Taylor and Lafayette.

Assembly bill No. 44:

An act to authorize John O. Howell to establish a Ferry across Blackwater river at Milton.

Assembly bill No. 65:

An act to authorize Joseph Hannah to establish and maintain a Bridge for toll across Hillsborough river, and for other purposes.

Assembly bill No. 41:

An act to define the powers of a Referee in causes in the Circuit Court, and fix their fees.

Assembly bill No. 20:

An act to transfer causes pending in the County Courts on May 4th, 1875, to other Courts.

Respectfully,

A. D. McKINNON, Chairman.

Which was received and read.

Mr. Meacham introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to ascertain and report to the Senate whether any portion of the five per cent. from the sales of Public Lands due from the United States to the State of Florida has been received, and if so, what disposition has been made of it; and if no portion thereof has been received, what steps are necessary to secure the same.

Which was read and adopted.

A message was received from the Governor at the hands of his Private Secretary.

Assembly bill No. 15:

To be entitled an act for the protection of Laborers,

Was taken up on its second reading.

Mr. Osgood's amendment to strike out "three or more" and insert "one or more,"

Was taken up, but not agreed to.

Mr. Cottrell offered the following amendment:

To strike out "three or more" and insert "two or more;"

Which was agreed to.

Mr. Brantley moved to strike out all after the enacting clause, and insert the amendment of the gentleman from the Seventeenth, as amended.

Mr. Osgood moved the following amendment to the amendment:

Strike out "felony" wherever it appears, and insert "misdemeanor."

Mr. Cottrell moved to lay the amendment of Mr. Osgood on the table;

Which was agreed to.

Upon the question of striking out all after the enacting clause, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Cottrell, Durkee, Hendry, Hill, Howell, Johnson, Long, Lykes, McGuire, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard, Walker, Wallace, Walls and Weeks—21.

Nays—None.

So the motion to strike out was agreed to.

Upon the question to insert the amended amendment, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, McMeekin, Richard, Walker and Weeks—8.

Nays—Messrs. Durkee, Hill, Howell, Johnson, Long, Lykes, McGuire, McKinnon, Meacham, Orman, Osgood, Patterson, Wallace and Walls—14.

So the amendment was lost.

Mr. Barnes moved to postpone the further consideration of the bill until to-morrow morning, 11 o'clock;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Durkee, Hendry, McKinnon, McMeekin, Richard, Walker and Weeks—10.

Nays—Messrs. Hill, Howell, Johnson, Long, Lykes, McGuire, Meacham, Orman, Osgood, Patterson, Wallace and Walls—12.

So the Senate refused to postpone.

Mr. Richard moved to adjourn;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, McKinnon, McMeekin, Richard and Weeks—8.

Nays—Messrs. Durkee, Hill, Howell, Johnson, Long, Lykes, McGuire, Meacham, Orman, Osgood, Patterson, Wallace and Walls—13.

So the Senate refused to adjourn.

Mr. McGuire moved that the bill be indefinitely postponed; Which was agreed to, and the bill was indefinitely postponed.

Mr. Brantley gave notice that he would move to-morrow to reconsider the vote by which the bill was indefinitely postponed.

Mr. Lykes moved to reconsider the vote just taken.

Mr. Walls moved to lay the motion on the table.

The President ruled the motions of Messrs. Lykes and Walls out of order.

Mr. Osgood appealed from the decision of the chair.

Mr. Richard moved that the Senate adjourn;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, McKinnon, McMeekin, Richard, Walker and Weeks—8.

Nays—Messrs. Durkee, Hill, Howell, Johnson, Long, Lykes, McGuire, Meacham, Orman, Osgood, Patterson, Wallace and Walls—13.

So the Senate refused to adjourn.

On the question, Shall the decision of the Chair be sustained?

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, McKinnon, McMeekin, Patterson, Richard, Walker and Weeks—9.

Nays—Messrs. Durkee, Hill, Howell, Long, Lykes, McGuire, Meacham, Orman, Osgood, Wallace and Walls—11.

So the ruling of the Chair was not sustained.

Mr. Walls moved to lay the motion on the table;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Durkee, Hill, Howell, Johnson, Long, Lykes, McGuire, Meacham, Orman, Osgood, Patterson, Wallace and Walls—13.

Nays—Messrs. Barnes, Brantley, Cottrell, McKinnon, Richard, Walker and Weeks—8.

So the motion was agreed to.

Mr. Lykes moved that the Senate adjourn until 4 o'clock, P. M.;

Which was agreed to, and the Senate adjourned.

FOUR O'CLOCK, P. M.

The Senate resumed its session.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Barnes, Cottrell, Hendry, Howell, Johnson, McGuire, McKinnon, McMeekin, Orman, Osgood, Patterson, Walker, Wallace and Weeks—14.

A quorum present.

Senate Bill No. 40:

To be entitled an act to provide for a uniform system of Establishing and Licensing Ferries in this State,

Was taken up and read.

Mr. McKinnon moved that the bill be recommitted to the Judiciary Committee;

Which was agreed to.

Assembly bill No. 153:

To be entitled an act for the relief of Henry Walker, of Lafayette county, Florida,

Was read the second time.

Under a suspension of the rule, the bill was read the third time, and put upon its passage.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Messrs. Barnes, Cottrell, Durkee, Hendry, Howell,

McGuire, Orman, Osgood, Patterson, Richard, Walker and Weeks—12.

Nays—Messrs. Brantley, Johnson, McMeekin and Wallace—4.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly bill No. 126:

To be entitled an act to further define the duties of the Comptroller as to reports of Defaulters in the Payment of Accounts due the State.

Mr. McKinnon moved that the bill be indefinitely postponed;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Durkee, Hendry, Howell, Johnson, McKinnon, Meacham, Patterson, Richard, Walker and Weeks—13.

Nays—Messrs. McGuire, McMeekin and Walls—3.

So the bill was indefinitely postponed.

Assembly bill No. 63:

To be entitled an act to amend an act entitled an act providing for setting apart a Homestead and personal property to be exempted from forced sale under process of law,

Was taken up and read.

Mr. Cottrell moved the adoption of the amendments proposed by the committee;

Which was agreed to, and the amendments adopted.

Mr. Cottrell moved that the rule be suspended and the bill read the third time;

Which was agreed to.

Upon motion of Mr. Orman, the bill was placed back upon its second reading, and further consideration postponed until to-morrow morning, 10 o'clock.

A message was received from the Governor at the hands of his private Secretary.

Assembly bill No. 107:

To be entitled an act for the speedy determination of certain issues of law in the several Circuit Courts of this State,

Was read the second time.

Mr. Wallace moved that the rule be suspended, and that the bill be read the third time:

Which was agreed to.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Johnson, McGuire, McKinnon, McMeekin, Orman, Patterson, Richard, Walker, Wallace and Weeks—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

The concurrent resolution, embodying a memorial to Congress relative to the counting of the Electoral vote was taken up and read.

Upon the question of its adoption,

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, Johnson, Lykes, McGuire, McKinnon, Orman, Patterson, Richard Walker and Weeks—13.

Nays—Messrs. Hill, Howell, Meacham, Osgood, Wallace and Walls—6.

So the memorial was adopted.

Ordered that the same be certified to the Assembly.

Assembly bill No. 73:

To be entitled an act to provide for the cancellation of mortgages.

Mr. Cottrell moved that the amendments proposed by the committee be adopted;

Which was agreed to, and the amendments adopted.

Mr. Cottrell moved that the rule be suspended, and that the bill be read the third time;

Which was agreed to.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, Howell, Johnson, McGuire, McKinnon, McMeekin, Patterson, Richard, Walker, Wallace and Weeks—14.

Nays—Mr. Lykes—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The following message was received from the Assembly:

ASSEMBLY HALL,
TALLAHASSEE, FLA., February 13, 1877.

HON. NOBLE A. HULL,

President of the Senate:

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed

Assembly bill No. 130:

To be entitled an act to repeal an act to make provisions to defray the expense of a Residence for the Chief Magistrate of this State, approved January 13, 1851; and

Assembly bill No. 157:

To be entitled an act making County Treasurers the Treasurers of the School Fund in their respective counties,

And respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and the accompanying bills placed among the orders of the day.

Also the following:

ASSEMBLY HALL,
TALLAHASSEE, FLA., February 13, 1877. }

HON. NOBLE A. HULL,
President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed

Assembly bill No. 78 :

To be entitled an act to establish a Ferry across the Apalachicola river at the town of Chattahoochee ;

Assembly bill No. 119 :

To be entitled an act to authorize John Howard to establish a Ferry across the Chipola river, in Calhoun county,

And respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and the accompanying bills placed among the orders of the day.

Assembly bill No. 130,

Was read, and referred to the Committee on Finance and Taxation.

Assembly bill No. 157,

Was read, and referred to the Committee on Education.

Assembly bill No. 78 :

Was read, and referred to the Committee on Corporations.

Also, Assembly bill No. 119 :

Was read, and referred to the Committee on Corporations.

The following joint resolutions were read :

Resolved by the Assembly, the Senate concurring, That the four million bonds issued by the State, under and by virtue of an act of the Legislature of the State, approved Jan. 24, 1869, and the several amendments thereto, and purporting to be issued in aid of the Jacksonville, Pensacola and Mobile Railroad Company, were issued in violation of the Constitution, and are a fraud upon the tax-payers of the State of Florida.

Resolved, That the State of Florida is not responsible for, and will not pay the interest that has accrued, or that may hereafter accrue upon said bonds, or the principal of said bonds, when they ultimately become due.

Resolved, That the Governor of this State is instructed to take all legal steps to free the people from the payment of the principal and interest upon said bonds for all time, and that he

will see that the State suffers no detriment from said bonds or interest.

Mr. Cottrell moved the following amendment: In the 4th line strike out "January" and insert "June." In the 9th line strike out the word "law" and insert "the Constitution" in lieu thereof.

Mr. Hendry moved that the further consideration of the resolutions be postponed until to-morrow ;

Which was agreed to.

On motion of Mr. Walker, the Senate adjourned.

WEDNESDAY, February 14, 1877.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called, the following Senators answered to their names:

Messrs. Barnes, Brantley, Cottrell, Hendry, Hill, Howell, Johnson, Long, McGuire, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard, Walker, Wallace and Weeks—19.

A quorum present.

Prayer by the Chaplain.

Mr. Wallace moved that the reading of the journal be dispensed with ;

Which was agreed to, and the journal corrected and approved.

The following bill was introduced

By Mr. Walker :

Senate bill No. 46 :

To be entitled an act to prevent the sale of intoxicating Liquors to Minors or to persons who are intoxicated ;

Which was read the first time, and placed among the orders of the day.

Mr. Cottrell offered the following resolution :

Resolved, That the Treasurer furnish to the Senate a statement showing under what law and when the nine hundred and seventy bonds issued to the South Florida Railroad Company were issued, and state also in what manner and by what means the said bonds came into the Treasurer's office, and their present status.

Which was read and adopted.

The Committee on Claims made the following report :